

REMARKS

Amendments to claim 1 focus on the substance inside the container being *solid*. No where in the Issachar reference is a solid mentioned. Moreover the lower end of the rod in the now claimed invention engages the *uppermost surface* of the solid. In fact, it sits on top of the surface, i.e., the uppermost surface, unlike the float in Issachar, which becomes stabilized underneath the surface of liquid when floating. Finally, even if the Issachar float mechanism could work sensing in a solid like salt, it would not work in sensing the salt level in a brine solution when the solid salt level slips below the surface of the liquid (because it would be floating). Therefore, for at least these reasons, claim 1 should be allowed.

Claims 2 and 3 depend on allowable claim 1, and therefore should be allowed.

Claim 4 has been amended to focus on the fact that individual segments may be *attached and detached as needed*. This is not true with the cited Issachar reference which only discloses a telescoping rod. This claim also indirectly depends on now allowable claim 1. Therefore claim 4 should be allowed.

Claim 5 has been amended to be dependent on claim 4 and now also has the additional limitation wherein the *rod segments are detached and placed through an opening in the sensor and then reattached so that the rod extends through the opening in the sensor*. Again, this is not true with the cited Issachar reference which only discloses a telescoping rod. This claim also depends on now allowable claim 4. Thus, this claim should be allowed.

Claim 7 has been amended to focus on the fact that the alarm mechanism is *remotely* spaced in *another room* from the base member. This is not true with the cited Issachar reference. This claim also depends on now allowable claim 1. Thus, claim 7 should be allowed.

Independent Claim 8 has been amended to have the limitation wherein the first sensing member includes *a means for sensing through the wall of the container without physically penetrating the container wall*. This limitation is not in the cited Hafer reference. Rather the sensors in Hafer when installed penetrate through the container wall. See Hafer, Fig. 1. Moreover, Hafer would be impractical for a brine and salt sensor as it would be difficult to seal the container wall and the sensors, especially during retrofitting. Finally, due to the presence of moisture and salt particles in the tank such protruding sensors would eventually be encrusted with salt. This would cause them to malfunction, making the system inoperable. As the cited reference does not have the added limitation and has various problems if reconfigured to meet the claimed limitations, claim 8 should be allowed.

Claim 9 has been amended to highlight a sensing mechanism *that senses the inductance of the substance* **and** a capacitance-based detecting mechanism that senses *the capacitance of the substance*. Neither Hafer nor Luzzader disclose or suggest such limitations. Claim 9 also depends on now allowable claim 8. Thus, claim 9 should now be allowed.

Claim 10 has been amended to have the limitation of a *brine* substance. This limitation is not in the cited Hafer reference. Moreover, brine poses some unique problems in capacitance sensing because of the ions. Claim 10 also depends on now allowable claim 9. Thus, claim 10 should be allowed.

Claims 11 and 12 depend on allowable claim 9, if perhaps indirectly, and therefore should be allowed.

Claim 13 has been amended to have the limitation of *wherein the second sensing member operates independently from the first sensing member to act as a variable gauge*. This limitation is not in the cited Hafer reference. Claim 13 also depends on now allowable claim 10. Thus, claim 13 should now be allowed.

The problem with the antecedent basis raised by the examiner claim 14 has been fixed. Thus, claim 14 should be allowed.

Claim 15 is now dependent on claim 14. Moreover there is absolutely no motivation or suggestion to combine Luzzader, Hall, and Hafer to get the now claimed invention. As claim 14 is now allowable, claim 15 should be allowed.

Claim 16 has been amended to remove the “at least one of” phrase. The result is the detecting mechanism now must detect a solid material within the container *and* an aqueous material within the container. The cited Hafer reference is not able to detect both a solid and aqueous material at the same time. Thus, claim 16 should be allowed.

Claim 17 is now dependent on allowable claim 15. Moreover there is no motivation or suggestion to combine Luzzader, Hall, Rak, and Hafer to get the now claimed invention. Therefore, claim 17 should be allowed.

Claim 18 is now dependent on allowable claim 17. Therefore, claim 18 should now be allowed.

Claim 19 is now dependent on allowable claim 18. Moreover there is absolutely no motivation to combine Hall, Luzzader, Rak, Kasik, and Hafer. Therefore, claim 19 should now be allowed.

Claim 20 has been amended to have the limitation *and wherein the sensor wirelessly transmits a signal to the alarm*. Neither Hafer nor Rak include such a limitation. Thus, claim 20 is now allowable.

Claim 21 is dependent on now allowable claim 18 and therefore should be allowed.

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Amendment

Claim 22 has been amended to have the limitation the substance *including solid salt and water*. Rak is not used to sensor the level of salt *and* water, rather it is only configured to sensor the brine level (see Rak, Col 1, line 67- Col. 2, line 3). Further, Rak teaches away from a device that is used to sense solid salt and water. See Rak, Col. 1, lines 53-66. Therefore, claim 22 should be allowed.

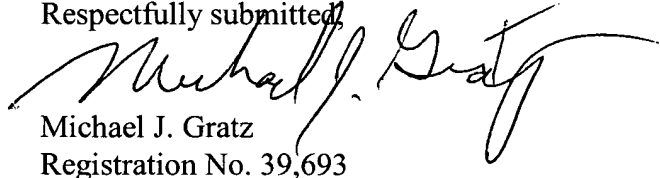
CONCLUSION

For at least the reasons set forth above, a Notice of Allowance is respectfully requested.

Enclosed is a check for \$60.00, which includes the government filing fee by a *small* entity for a one-month extension of time, which applicant hereby requests. No other fees are believed to be payable with this communication. Nevertheless, should the Examiner consider any other fees to be payable in conjunction with this or any future communication, the Director is authorized to direct payment of such fees, or credit any overpayment to Deposit Account No. 50-1170. Also enclosed is a new Power of Attorney signed by the assignee.

The Examiner is invited to contact the undersigned by telephone if it would help expedite the allowance of this application.

Respectfully submitted,


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